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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,750	06/06/2001	Anthony G. Matous	4346B	7931

7590 02/24/2005
CAROTHERS AND CAROTHERS
 Suite 500
 445 Fort Pitt Blvd.
 Pittsburgh, PA 15219

EXAMINER

TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,750

Applicant(s)

MATOUS ET AL.

Examiner

Nicholas R Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The proposed amendments to the specification filed on 11/04/2004 are approved.

2. Claims 8-11 have been presented for examination and are rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Facq et al and Geibler ("Surfing the Movie Space"), further in view of Janser ("An Interactive Learning System".)

5. As per claims 8 and 10, Facq teaches a method of providing electronic concurrent delivery of multimedia content to general purpose computers over a computer network, comprising:

storing a database of multimedia experiences in a storage medium of a host computer which is coupled to a computer network and has web server capabilities; (Facq, column 2, lines 38-39)

providing said host computer with a management delivery system for managing the delivery of multimedia content from the host database for experiencing by a participant on a computer display device; (Facq, column 2, lines 39-42)

downloading the delivery system over the computer network into memory of a general purpose computer for managing the delivery of selected of said multimedia experiences from said host database to a general purpose computer for display on a computer display device; and (Facq, column 2, lines 56-59)

loading additional multimedia experiences from said host database into memory of said general purpose computer for subsequent experiencing while the participant is presently experiencing selected multimedia content from the host database for providing seamless multimedia content display; (Facq, column 2, lines 43-49)

Facq fails to teach wherein said multimedia experiences being stored in the storage medium in the form of movie clips which have and are controlled through the use of a timeline and a play head and each timeline is subdivided into frames and each frame is broken down into a number of seconds; the method including:

providing only one play head for each movie clip;

permitting each play head to be on for only one instant of the timeline at any given moment whereby the play head moves forward based on the passing of time associated with each frame and thereby allowing independent parts of the delivery system to run concurrently with each other and share processor time slices; and

providing each movie clip with a programming language allowing the movie clip to control the flow of animation

Geibler teaches a movie clip that is defined to have a "timeline" which is divided into frames and seconds and has a play head in which only one plays at a time (Geibler, "Internal Navigation" paragraph, sentences 8-12.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Facq and Geibler to provide the timeline and playhead of Geibler in the system of Facq, because doing so would enable an alternate media format for use in Facq's system.

Furthermore, Janser teaches a movie clip with a programming language allowing the movie clip to control the flow of animation (Janser, section 2.3 and column 2, specifically the use of Authorware.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Facq-Geibler and Janser to provide the programmable language of Janser in the system of Facq-Geibler, because doing so would enable strong support of interaction with a learner in the system of Facq-Geibler (Janser, section 2.3, second bulleted point.)

6. As per claims 9 and 11, Facq-Geibler-Janser teaches the system further including programming said delivery system to obtain from the host database a set of glossary terms and website addresses associated with the multimedia experiences for download (Janser, section 2, 2.2, and 2.3 second to last sentence.)

Response to Arguments

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7. Applicant's arguments with respect to claims 8-11 have been considered but are moot in view of the new ground(s) of rejection. The newly disclosed limitations are taught by Janser ("An Interactive Learning System").

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER